

Hello

My name is Steven Fout. I am twenty seven years old from East Tennessee. I will be coming out of my comfort zone telling you about me. I went to school in Monroe County. I was a special ed student out all my school year when I was seven years old till I was nine years old. I was victimized from a guy named Dan Pugliese at the time he was a step father. At ten years old I was diagnosed with a optical brain cancer due to the Neuro fibromatosis I had. I underwent chemo therapy for a year in a half, I was going blind. At eleven years old my little brother passed away at ten years old. By the time I was thirteen I was totally blind in my right and halfway in my left. Making it even more harder to learn.

I was going through therapy cause
of my behavior. A little bit about
my past had me change my behavior
in a way I wanted to be invisible.
I found out while I was in school
I have Autism too.

My cognitive skills was a little poor
in a way I was called intellectual
challenged. Therapy was trying to help
me with that.

It made it hard for me to make
friends and get along with people.
I was called a retarded border line
mentally challenge.
Found out the friends I had used me
cause I had one thing that they
don't a computer and internet.
Not knowing what my friends
was doing on my computer behind
my back was hard to control cause
of my eye sight.

Still no matter what my friends
done I am still responsible for it all
Even though I did not download videos
and images I am responsible for it
cause I gave my friends access to
my computer and internet.

On November 2009 the FBI
came to my house needing to
search my computer cause an IP
address the FBI was tracking
traced back to my desk top

Computer using a program called
gigatribe. The FBI searched my
room and took two desktop computer
and one laptop computer, and
mine and my friends flash drive
with me not knowing what my friend
hidden his flash drive.

The FBI said no charges will be
pressed Did not have me to sign
any thing but a surrender of
property sheet,

Three months later FBI called letting me know my laptop is cleared and will be Fedex back to me.

Jewes 2016 Still no charges was filed.

I went back to therapy and counseling looking to change my life and who I hunged around with. I did not want to get caught up in more trouble. A phone call December 2016 I needed to report to the FBI offices. The are other things Federal agent have need to talk to me about.

I showed up with my mom and grand mother cause I can't drive. due to my eye sight. Me being blind did not help me even with doctor records. I can only see some what clearly eight teen inches finger count from my face.

When I got to prison in Seago ville
Texas I was on medication that
helps me function Psychology
had took me off telling me nothing
is wrong with me to stop looking.

with no testing Based on Opinion
and and Speculation I was found that
I was me lingering.

With how young I look and do that
I was just turning twenty four
at the time I got sexually assaulted
by a man who was in prison with a
hands on before he come in to the
cells. I was in one of the stalls
late at night using the rest room
when Inmate Jimmie Davis
come in and forced me to suck his
penis.

I was told If I say anything that
he would kill me I was scared
and didn't know what to do.

Do to this prison is slow It did not
have security cameras in the
housing units. I had no proof.

I stayed away from this guy.

A lot of noomers went around that this
guy is going to get me alone in the
showers so I showered during different
times. He caught me in the shower
by my self.

He got me with my back turned and
naked me with a glove on. He told me

I tell anyone he'll kill me. I'd tried
to sent a cap-out on the computer but
do to that I am a sex offender

It got ignored. I had to let it go.
with me being handle cap it was
hard to get around. I would

accidently run into people and get
assaulted. I got put in the SHU
special housing unit.

I requested to speak to psy cholo gy
and I opened up with a incident

That happen to three months
befor I went to the SHU.

I stayed in the SHU for six months till I got transferred I went to suicide watch for three days my mind went crazy cause of being mistreated and locked in a small cell twenty four hours a day. I was always getting harassed by guards and other inmates I could not get away from them.

When I did get shipped a lot of the stress and organizing stopped. I went to Englewood FC I now located in Littleton Colorado. I arrived June 2015

I was in a ten man day room with eight other inmates with then a month of being there I was getting sexually harassed by an inmate with the last name Martin. SIS had moved him out of the unit and no write up was made cause it was hear say.

As being a new place trying to get
use to people. In September of 2015
I was placed in the SHU for investigation
for something I don't know. Three days
later I was placed back in population.
Inmate Martin was back downstairs
in the day room across from me.
Knowing he was sexually harassed
me before he'll do it again. While I
was resting Inmate Martin came
in the day room when no one was
around and grabbed my butt,
when he found out I was not
asleep he made a bee line out of
the room.

SZS did nothing, he reported on any
thing cause of me having to take
back a statement while in Seago, TX
Texas. I had no help. (SZS in
Seago, TX had made me drop the
statement and made threats if I
didn't.)

I just stood on high alert.
I found out my appeal was denied.
Sad and felt hopeless. A few friends
helped me out. Being new close to
the Holiday didn't help much.

On Christmas eve I was placed in the
Stuck course a Staff in Medical had lied
and said I disrespected her. She
did not like people with my change.
I was placed in suicide watch
cause of the stress I spent Christmas
in the suicide watch and released
later that night. Back to the Stuck
to make sure I am okay to go
back to population.

I was on a med that did a reversed
effect. Bupropion (Wellbutrin) (Depcoet)
mainly use for migraines head
aches. When I said it was not
helping I was called a liar and
removed from all of my medication.

when the MRI results came in I
was placed on Preponenel Blood
pressure medication, and Prozac for
my depression. when I'd started
taking the Preponenel I would Black
out cause my blood pressure would
drop 65 over 40

with me not remembering alot of
what happened February 2011
I was placed in the SHU accused with
fighting with a inmate and using
my comb. No contact with me was
made. I was let up I stayed in the
SHU and transferred at the end of
May I got sent to a new yard in
Hazelton West Virginia FCZ
medium

I was placed in population. I was 4
three days I was checked in to
the SHU cause I got put in a cell
by my self and it turned out to
be a mexican gang cell called PISA.

At this time I wanted no conflict
I could not trust any one I have
trust issues while in the SHU I
was placed by my ~~self~~ R. No one to
help me cause I am eighty percent blind.
The guards would yell out to me
calling me a cheater giving me
empty food trays I requested to
be placed in suicide watch I could not
get my medication I was stressed
while in the SHU in there at Hazelton
I got a cellie turned out to be a hater
The ~~guy~~ Eliot Preston told the
guards three to four times "If he don't
get one of us out of this cell he'll
mess me up. The guards laugh and
talking ass joke and mocked us.
Mr Preston started hitting me and
nothing Preston had five hits on me
before the guard cuffed both of us
and put us in a different cell for
~~and~~ an medical exam.

I received a write up for fighting when I didn't fight back. I begged the general to put me ^{some} where else put me in suicide watch if he had to to avoid Mr Preston from hitting me.

I was badly stressed so I was placed in suicide watch anyway.

I stayed for three days and placed back in the SHU. Since I couldn't be by myself there was no one to put me with. I went back to medical appointment when the general came in to unhand cuff me. My body was janking. I have nerve fibres not SSIS. I encourage my body to jank with out warning. LT Trent stomped me on the ground and recuffed me. He picked me up by my legs and arm and threw me in the room.

No one really cared here I was
expecting to save h T Trent but
I was piece back in the situ the
next day saw the DHO that did
not care he didn't believe me what I
had to say He went hard on me
Now I am in population and doing
good.

I learn abt since I been down
here can not to take life for granted
and trusting others is hard. Breaking
the law is not good living in prison
is not a life to live. Though I took the
responsibility I am trying to be
strong with all I've been through.
I've changed alot with abt I've
seen have lefted me traumatized.
I know what I am responsible for
was bad The victim that was
viewed was more traumatic for
thoughts who was victims.

My Plans are when I get out are
to Centence with therapy and
counseling. I would like to try to
try to Volunteer if someone will take
me I am disability and low income
Try to get back on my feet and
take each day one at a time.
I will be living with family so I will
be taking care of. I will do what I'm
told with my probation.

There was alot of errors in my
appeal. The judge had speculated on
my case. I am not into kids I am
not into torches Me I will never
hunt any one. It stated I can see
up to five feet That is wrong
I can only see about one half with
finger count. I had no test done
and no criminal record But yet
Judge is supposed to go on fact not
speculation.

A following other case is alot of
in he nsments are coming off lowering
other peoples time

Such as use of a computer and
number of pictures.

I received 181 months and 30 years
super vised release. I was denied

a down word depent cher

I will do anything to get out of
prison early. To start my life over

I am what they called useless in prison
I can't work It's hard to program

(take classes)

with this all said are they away for
me to get a reduction anything
will help

Thanks for your time

Sin serly
Steve Zet

To: The Honorable Judge Thomas W. Phillips
Sixth District of Eastern Tennessee
800 Market St. Suite 130
Knoxville, TN 37902

From: Steven Fout
Fed. Reg. #45595-074
Federal Correctional Institution Hazelton
Post Office Box 5000
Bruceton Mills, WV 26525

Honorable Judge Thomas W. Phillips,

My Name is Steven Fout. I am 27 years old. I am from Eastern Tennessee. I will be coming out of my comfort zone to tell you about myself.

I was born August 23, 1989 in Monroe County Tennessee. I was raised there and also went to school there. I lived with my mother Marsha Fout, and my younger brother, until his untimely death age the age of 11. I graduated from high school with a Special Education Diploma.

From the time I was 7 years old until I was 9, I was sexually victimized by my stepfather. When it was discovered at age 9 about his actions, he was finally sent to prison. From the time I was 10 until I was 14, I was again being victimized by my friend's father. He died before I could get charges filed against him.

At 10 years old, it was discovered that I had an Optical Brain Tumor. During the examinations, they found out that I had Neuro-FibroMatosis. While I was undergoing chemotherapy to treat my disease, my only brother, a year younger than I, died from the same type of cancer. His was on the throat. It cut off his air and he died.

By age 11, I was blind in the right eye and lost half of my sight in my left eye. This made it even more difficult to learn. I had already been in Special Education since I was 9. I was diagnosed with ADHD, Borderline Autism, and Intellectual Difficulties.

While I was going through therapy, my behavior changed, making me want to be invisible. They said I had Austic Traits while I was still in school. My cognitive Skills were "Poor". I was called "Intellectually Challenged". My therapist was trying to help me deal with these issues. It was very hard for me to make friends. I was called "Retarded" and "Borderline Intellectual-ly Challenged".

(2)

I found out the "Friends" I thought I had, were actually using me because I had one thing they didn't, A Computer with an Internet Connection. Because of my poor vision, it was hard to control what my "Friends" were doing behind my back.

Still, no matter what my "Friends" did, I AM STILL RESPONSIBLE FOR IT ALL. Even though I did not download Videos or Images, I am still responsible because I gave them access to my computer and internet.

In November 2009, The FBI came to my house needing to search my computer because an IP Address they were tracking traced back to my desktop computer using a program called "Giga Tribe". The FBI searched my room and took 2 desktop computers and a laptop, and mine and my "Friend's" flashdrives, with me not knowing what was on his flashdrive.

The FBI said there would be no charges and did not have me to sign anything except a "Surrender of Property". Three months later, the FBI called letting me know my laptop was cleared and would be Fed Exed back to me. In 2010, there was still no charges filed against me.

I went back to therapy and counseling looking to change my life and who I was hanging around with. I did not want to get caught up in more trouble. A phone call in December 2012 saying I needed to report to the FBI offices. There were some other things the agent needed to talk to me about. I showed up with my mom and grandmother cause I can't drive. Due to my eyesight, I am limited on my ability to travel by myself. Even with Doctor's records showing I clearly that I can only see 18 inches from my face for a finger count.

February 2014, I was convicted and sentenced to 151 months for Possession and Distribution of Child Pornography. My attorney, Laura Davis, filed an appeal for me. The judge, I feel, went on speculation instead of facts. My appeal was denied.

When I got to prison in Seagoville Tx, I was on medication that helped me function psychologically. The doctors there took me off of them, said there was nothing wrong with me. They claimed I was "Malingering". They told me to stop "Faking". With no testing and only based on opinion and speculation, they declared me to be "Malingering".

With how young I look and due to that I was just turning 24 at that time, I got sexually assaulted by a man who in prison with a "Hands on" charge before he came in to the feds. I was in one of the stalls late at night using the restroom, when inmate Jimmie Davis came in and forced me to perform Oral Sex on him. He told me if I said anything that he would kill me. I was scared and did not know what to do.

Due to the prison was a Low, it did not have security cameras in the Housing Units. I had no proof, so I stayed away from him. A lot of rumors went around that this guy was going to get me alone in the showers. I showered during different times. He caught me in the shower by myself.

(3)

He caught me with my back turned and raped me with a glove on. He told me if I told anyone, he'd kill me. I tried to send a cop-out on the computer, but because that I am a sex offender, it was ignored. I had to let it go. With me being handicapped, it was hard for me to get around. I would accidentally run into people get assaulted. I get put in the SHU (Special Housing Unit).

I requested to speak to psychology and I opened up with the incident that happened 3 months before I went to the SHU. I stayed in the SHU for 6 months until I got transferred. I went to Suicide Watch for 3 days. My mind went crazy because of being mistrated and locked in a small cell 24 hours a day. I was always getting harrassed by guards and other inmates, I could not get away from them.

When I did get shipped, a lot of the stress and antagonizing stopped. I went to Englewood FCI. I know it is located in Littleton CO. I arrived June 2015. I was in a 10 man room with 8 other inmates within a month of being there, I was getting sexually harrassed by an inmate with last name Martin. SIS had moved him out of the unit and no write-up was made because "It was Hearsay".

In September of 2015, I was put in the SHU for investigation for some thing I do not know what. 3 days later, I was placed back in population. Martin was back downstairs in the dayroom across from me. Knowing he was sexually harrassing me fore, he'll do it again. While I was resting, inmate Martin came into the dayroom, when no one was around and grabbed me on my butt. When he found out I was not asleep, he made a beeline out of the room.

SIS did nothing, no report, or any thing because of me having to take back a statement while in Seagoville Tx. I had no help. (SIS in Seagoville had made me deop the statement and made threats if I didn't).

I just stayed on high alert. I found out my appeal was denied. I was was sad and felt hopeless. A few friends helped me out. Being new close to the holiday didn't help much. On Christmas Eve, I was placed in the SHU because a staff in Medical had lied and said I disrespected her. She did not like people with my charge. I was placed in suicide watch because of the stress. I spent Christmas in the suicide watch and released later that night. Back to the SHU I went until they were sure I was ok to go back to population.

I was on a med that did a reversed effect, Boulpro ique acid (Depakote) mainly used for migraines and headaches. When I said it was not helping, I was called a liar and removed from all of my medications.

(4)

When the MRI results came in, I was placed on Propanal, a blood pressure medication, and Prozac for my depression. When I started taking my Propanal, I would black out because my blood pressure would drop to 65 over 40.

With me not remembering a lot of what happened, February 2016, I was placed in the SHU because of a fight with another inmate and using my cane as a weapon. I made no contact with the inmate. I was put in the SHU and transferred at the end of May. I got sent to a new yard in Hazelton WV.

I was placed in population. I wasn't three days here before I was checked into the SHU. I was placed in a cell by myself. It turns out the cell was considered a Mexican gang cell. I wanted no conflict. I could not trust anyone. I have trust issues. While in the SHU, I was placed by myself. No one helped me because I am 80% blind. The guards would yell out to me, calling me a "Chomo", giving me empty food trays. I requested to be put in suicide watch. I could not get my medication. I was stressed. While in the SHU here at Hazelton, I got a cellie. Turns out he was a hater.

The guy, Elliot Preston, told the officers 3 or 4 times "If he doesn't get one of us out of this cell, he's going to mess me up". The officers laughed and taking it as a joke, were mocking us. Mr. Preston started hitting me. He had five hits on me before the officer cuffed both of us and put us in a different cell and called for medical.

I got a write up for fighting, even though I did not fight back. I begged the officer to put me somewhere else, put me in suicide watch if he had to, just to avoid Mr. Preston from hitting me again. I was severely stressed, so I was placed in suicide watch anyway.

I stayed for 3 days and placed back in the SHU. Since I couldn't be by myself, there was no one to put me with. I went back to medical. When the Lt. came in to uncuff me, my body jerked. I have Neuro-FibroMatasis. It can cause my body to jerk involuntarily. Lt. Trent slammed me on the ground and recuffed me. He picked me up by my legs and arms and threw me into the room.

No one really cared here. I was examined to save Lt. Trent's butt. I was placed back into the SHU. The next day, I saw the DHO that did not care. He did not believe me or what I had to say. He went hard on me. Now I am back in population and doing good.

I learned a lot since I have been down. I learned not to take life for granted and trusting others is hard. Breaking the law is not good living in prison is not a life to live.

Though I took the responsibility, I am trying to be strong with all I've been through. I have changed a lot with a lot of what I have seen has left me traumatized. I know what I am responsible for was bad. The victim that was viewed was more traumatic for those who were the victims.

(5)

My plans are that when I get out, to continue with my therapy and counseling. I would like to try to volunteer if someone would be willing to take. I am disabled and low income. I want to try getting back on my feet and take each day one at a time.

I would be living with my family, so I would be taken care of and monitored by them. I am willing to do whatever I need to do and am told to do by the probation officer. I am willing to accept home confinement for the rest of what would be my prison sentence. I know the time remaining is about 7 to 8 years, but whatever it takes, including being on an ankle bracelet would be better than being in here where I cannot do anything without someone who is willing to help me. Those kinds of people are way too far apart and in between..

There were a lot of errors in my appeal. The judge in my case had made speculations on my issues. O a, mpt omtp kids. Nor am I into torture. I cannot handle someone else being hurt. I would never do it to someone else. It was done to me and I know it did not feel good.

It states that I can see up to 5 feet, that is wrong. I have medical evaluation that shows my best sight is only 18 inches from my face. There were no tests done to determine anything about me. The judge went solely on his opinion of me. I have no criminal record, but yet the judge gave me an excessive amount of prison and supervised release. The total time he gave me comes out to 45 years. You would think I had a long criminal record, when in fact I have none. I thought a judge was supposed to go on facts? He did not.

In looking at other cases, I see where a lot of judges are lowering sentences and not counting a lot of enhancements, such as the use of a computer and the number of pictures involved. I was given 151 months and was denied any downward departures.

I am willing to do anything it takes to get out of prison, if I have to do something else to satisfy the confinement issue, I would gladly consider it. I am what is considered useless in prison. I can not program (to take classes, the only way to lower your points in prison).

With the included papers and documents, is there any way for you to either get me a different sentence or else reduce my sentence?

Steven Fout 45595-074/do 58618-018
Federal Correctional Institution Hazelton
P.O. Box 5000
Bruceton Mills, WV 26525

Honorable Judge Thomas W. Phillips
Sixth District of Eastern Tennessee
800 Market St., Suite 130
Knoxville, TN 37902

Don Osborne (58618-018) for
Steven Fout (45595-074)
Federal Correctional Institution - Hazelton
P.O. Box 5000, Bruceton Mills, WV 26525

Your Honorable Judge Phillips,

I would have typed this Letter, but time is not something I have. I am not a 'good' Typist. I make too many errors and by the time I've realized the errors, I have already removed the paper. I have actually Typed, and then re-typed my Letter. The other issue is there are a limited number of Type-Writers. So please forgive my writing.

I am a 'Friend of Steven Fout's. I am willing to say probably one of very few here. A month or so ago, he (Fout) told me about his desire to write you a Letter. He wrote that Letter, without input or assistance.

I corrected his Letter and worked to make sure it made sense when I Typed it. I insisted he include the Original Letter so that you can try to read it, and see for yourself how he writes and spells.

I would ask that you obtain one thing Mr. Fout was not Privileged to, the Prosecutor's 'evidence', the Alleged ChatRoom transcripts. We ask that you see for yourself, the 'Alleged' Transcripts 'Allegedly' Typed by Mr. Fout. See for yourself that they match, I'll bet they don't

Mr Fout functions on a 12 Year Old's Level. He thinks, reacts, and worse writes and spells like a 12 year old with educational, mental, and emotional limitations.

No One is willing to 'Honestly' Fight for him. I believe because he was charged with a sex offense. I have seen numerous times, someone who is known to have been Abused often is accused of similar crimes.

I offer you my thoughts, some are backed by 'Social' opinions.

Allegedly, Mr. Fout Chatted and downloaded Pornography. He was discovered by the Feds. They searched his home, took Computers and other Storage devices. They eventually returned his Laptop as 'Clean'. I will bet you that They (the FBI) did not find any Pornography on his Computers after arresting him.

Now, I offer you this 'Opinion', A Sex Offender will repeat his crimes, even after being caught or discovered. With this 'Social' Opinion, There should have been Pornography or more Chats even after the FBI started investigating.

According to Judge Reeves, Fout was denied departures (Downward) based on his claims. He was not entitled to them.

But yet, with no evidence of a Criminal history. Judge Reeves then does a turn about and declares that Mr. Fout's mental and Cognitive disabilities were Cause for Concern, therefore using it as reason to impose an even Stiffer Sentence.

Would You, taking into account Mr. Fout's Background, history, medical, mental, emotional, and cognitive evaluation and abilities, see fit to impose a similar sentence of 15-30 years Prison and a 30 year Supervised Release on someone in Mr Fout's situation. (151-188 months) Judge Reeves says he gave Fout the benefit of a Downward Departure to the point of a bottom of the Guideline Points. This based on a flawed PSR that illegally brought into light of An Alleged Allegation One that did not come to fruit. The Matter was dropped. Yet it was in the PSR, and it is our belief that it did in fact carry weight in sentencing, even though Judge Reeves claims it did not, and the fact he made comments interests in small children, which he later admitted was error of the court, clearly shows it was in his thinking. No other defendant has been given a 15 year (151 month) sentence, followed by a 30 year Supervised Release for a first time offense, especially not with the charges here.

Steven Fout Should NOT Be Here. He should have already expired his prison time and be home doing his release time.

But instead, because of a serious miscarriage of Justice, he was given an extreme Sentence with an even worse release time. He could have been given a lesser sentence. A Sentence of 5 Years in Prison and 10 year Release.

He could have been tested mentally. If they would have done so, there would have been grounds for a mental institution Commitment in deference to Prison. He could have even been given Probation and Home Confinement.

Steven Fout has not adjusted well to this kind of an environment. If anything, this has only been hurtful to him. He is not seeing Rehabilitation here. He has been denied SDMP status and entry. He has not been able to Program without assistance. He has been denied use of a 'Sight' Cane. They took the one he had and filed charges that he used it as a weapon. He has now as of 12-6-16, been denied an inmate Companion. This means an increased risk of injury.

He, and I, Pleads with the Court for Leniency and mercy and ask for an easier resolution to this terrible situation.

We ask that you consider making his sentence shorter and allowing him to do the remainder on Ankle monitor and/or Home Confinement. Include Counseling if you must. He has no objections. It would be more beneficial to him.

If Confinement is absolutely Necessary, then Let him go to a Local Mental Institution near his family. At Least there, they would be properly able to accomodate his needs.

He IS NOT a threat to the community. I ask that you consider this with mercy and compassion for another human being who wouldn't hurt another person. He simply needs Counseling on issues of Social rules and how things work. He needs help with Conflict and Social resolution skills. There he cannot get here in a Prison. Only beaten, abused, taken advantage of, if he is lucky, he'll leave here with his life. Sincerely, Don O'Leary

HAF21 540*23 * SENTENCE MONITORING * 11-10-2016
PAGE 001 * COMPUTATION * DATA * 12:14:43
AS OF 11-10-2016

REGNO...: 45595-074 NAME: FOUT, STEVEN MARSHALL

FBI NO.....: 416294TD6 DATE OF BIRTH: 08-23-1989 AGE: 27
ARS1.....: HAF/A-DES
UNIT.....: N1 QUARTERS.....: N01-116U
DETAINERS.....: NO NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 08-25-2023

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 02-25-2024 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: TENNESSEE, EASTERN DISTRICT
DOCKET NUMBER.....: 3:12-CR-00171
JUDGE.....: REEVES
DATE SENTENCED/PROBATION IMPOSED: 02-20-2014
DATE COMMITTED.....: 04-03-2014
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$200.00	\$00.00	\$00.00	\$00.00
RESTITUTION...:	PROPERTY: NO	SERVICES: NO	AMOUNT:	\$2,500

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE 111

AUG 11

INCIDENT REPORT CDFRM

U.S. DEPARTMENT OF JUSTICE



FEDERAL BUREAU OF PRISONS

Part I - Incident Report

1. Institution: FCC Hazelton			
2. Inmate's Name Fout, Steven	3. Register Number 45595-074	4. Date of Incident 21 June 2016	5. Time 2:50 PM
6. Place of Incident Z01-110	7. Assignment SHU Unassg	8. Unit Z-A	
9. Incident Tampering with a life-saving device		10. Prohibited Act Code(s) 208	

11. Description Of Incident (Date: 21 June 2016 Time: 2:50PM Staff became aware of incident)

On the date of 21 June 2016, I was assigned to FCI SHU #3. At approximately 2:45 PM an active Cell Duress alarm originated from cell Z01-110. I responded to the area with fellow staff and found I/M Fout, Steve (Reg #45595-074) at the cell window. When questioned what his emergency was, I/M Fout stated that he could not live in the same cell as his cell mate, I/M Preston, Elliot (Reg #12070-089). I/M Fout was advised by staff that the Cell Duress was not to be activated for non-emergency purposes, and given a direct order not to utilize the Cell Duress unless a life-threatening condition exists. As I reset the Duress Panel, I/M Fout immediately activated the Cell Duress a second time. This behavior continued through an additional cycle of no less than three (3) activations and reset of the Cell Duress, with a direct order issued to I/M Fout to cease his action on each occurrence.

12. Typed Name/Signature of Reporting Employee T. Tesauro / 		13. Date And Time 21 June 2016 5:15 PM	
14. Incident Report Delivered to Above Inmate By (Type Name/Signature) 	15. Date Incident Report Delivered <u>6-21-16</u>	16. Time Incident Report Delivered <u>9:45</u>	

Part II - Committee Action

17. Comments of Inmate to Committee Regarding Above Incident

NO COMMENT

18. A. It is the finding of the committee that you:	B. <input checked="" type="checkbox"/> The Committee is referring the Charge(s) to the DHO for further Hearing.
<input type="checkbox"/> Committed the Prohibited Act as charged. <input type="checkbox"/> Did not Commit a Prohibited Act. <input type="checkbox"/> Committed Prohibited Act Code(s) _____	C. <input type="checkbox"/> The Committee advised the inmate of its finding and of the right to file an appeal within 20 calendar days.

19. Committee Decision is Based on Specific Evidence as Follows:

IF FOUND GUILTY GREATER SANCTIONS ARE WARRANTED THAN AVAILABLE TO THE U.D.C.

20. Committee action and/or recommendation if referred to DHO (Contingent upon DHO finding inmate committed prohibited act)

IF FOUND GUILTY RECOMMEND LOSS OF 27 DAYS G.C.T., 15 DAYS D/S, LOSS OF COMMISSARY 60 DAYS.21. Date And Time Of Action 6-26-16 10:16AM (The UDC Chairman's signature certifies who sat on the UDC and that the completed report accurately reflects the UDC proceedings.)E. GRIFFIN / 
Chairman (Typed Name/signature)

Member (Typed Name)

Member (Typed Name)

INSTRUCTIONS: All items outside heavy rule are for staff use only. Begin entries with the number 1 and work up. Entries not completed will be voided by staff.

DISTRIBUTE: ORIGINAL-Central File record; COPY-1- DHO; COPY-2- Inmate After UDC Action; COPY-3- Inmate within 24 hours of Part I Preparation.

AUG 14

INCIDENT REPORT CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Part I - Incident Report

1. Institution:			
2. Inmate's Name Fout, Steven	3. Register Number 45595-074	4. Date of Incident June 21, 2016	5. Time 2:59 PM
6. Place of Incident Z-A Range 1 Cell 110	7. Assignment SHU Unassg	8. Unit N-C	
9. Incident Fighting with another person.		10. Prohibited Act Code(s) 201	

11. Description Of Incident (Date: 6/21/2016 Time: 2:59 PM Staff became aware of incident)

On June 21, 2016 at approximately 2:59 PM while conducting rounds on Range 1, I observed a cell fight in cell 110. The cell is occupied by inmate Fout, Steven #45595-074 and Preston, Elliot #12070-089. I saw inmate Fout #45595-074 and Preston #12070-089 striking each other, about the body with close fists. At that time I activated my body alarm and gave direct orders for inmate Fout #45595-074 and Preston #12070-089 to stop fighting and submit to hand restraints. At this time they both followed my orders and submitted to hand restraints. No further incident.

12. Typed Name/Signature of Reporting Employee B. Keeling <i>BKj</i>	13. Date And Time 5/8/2016 4:00 PM	
14. Incident Report Delivered to Above Inmate By (Type Name/Signature) <i>SA</i>	15. Date Incident Report Delivered 6-21-16	16. Time Incident Report Delivered 10:00

Part II - Committee Action

17. Comments of Inmate to Committee Regarding Above Incident

NO COMMENT

18. A. It is the finding of the committee that you:	B. <input checked="" type="checkbox"/> The Committee is referring the Charge(s) to the DHO for further Hearing.
<input type="checkbox"/> Committed the Prohibited Act as charged. <input type="checkbox"/> Did not Commit a Prohibited Act. <input type="checkbox"/> Committed Prohibited Act Code(s) _____	C. <input type="checkbox"/> The Committee advised the inmate of its finding and of the right to file an appeal within 20 calendar days.

19. Committee Decision is Based on Specific Evidence as Follows:

IF FOUND GUILTY RECOMMEND LOSS OF 27 DAYS G.C.T., 15 DAYS A/S, LOSS OF COMMISSARY 90 DAYS.

20. Committee action and/or recommendation if referred to DHO (Contingent upon DHO finding inmate committed prohibited act)

IF FOUND GUILTY GREATER SANCTIONS ARE WARRANTED THAN AVAILABLE TO THE U.D.C.

21. Date And Time Of Action 6-26-16 10:15AM (The UDC Chairman's signature certifies who sat on the UDC and that the completed report accurately reflects the UDC proceedings.)

E. GRIFFIN
Chairman (Typed Name/Signature) Member (Typed Name) Member (Typed Name)

INSTRUCTIONS: All items outside heavy rule are for staff use only. Begin entries with the number 1 and work up. Entries not completed will be voided by staff.

DISTRIBUTE: ORIGINAL-Central File record; COPY-1- DHO; COPY-2- Inmate After UDC Action; COPY-3- Inmate within 24 hours of Part I Preparation.

DOC

Prescribed by P5270

Replaces BP-S288.052 Of MAY 94

**Bureau of Prisons
Psychology Services
SOMP Initial Risk Assessment**

SENSITIVE BUT UNCLASSIFIED

Inmate Name: FOUT, STEVEN MARSHALL		Reg #: 45595-074
Date of Birth: 08/23/1989	Sex: M	Facility: SEA
Date: 04/08/2014 14:11	Provider: Caperton, Jennifer PhD, LSOTP	Unit Team: B

Reason for Initial Risk Assessment: Other

An initial risk assessment was entered as part of routine intake screening.

The inmate's current offense of conviction includes the following:

Child pornography, possession or distribution.

Possessed 600 images & 104 videos depicting sexual abuse of children. Chat logs indicated he talked about drugging & raping kids. He told FBI agents he fantasized about sex with a newborn.

The inmate's prior offense history includes adult convictions for the following:

Any other relevant history (including non-convictions):

See Comments section, below.

Summary of Criminal History - Arrest or Convictions:

Age at first arrest for any criminal conduct, sexual or non-sexual: 23

Age at first arrest for any sexual offense: 23

Total number of sentencing dates, for sexual or non-sexual offenses: 1

Total number of sentencing dates for sexual offenses: 1

Other Risk Factors: The following sex offense risk factors were noted:

Never lived with intimate partner for 2 years

Other relevant risk factors:

See Comments section, below.

Comments

Other relevant history:

PSI indicates multiple prior deviant sexual behavior. He was investigated as a juvenile (age not listed) for molesting a 5-year-old boy. No charges were filed. In 2011, he was caught but not charged after speaking sexually to a minor. After his arrest on the instant offense, a now adult male cousin indicated Mr. Fout molested him when he was 8 years old and Mr. Fout was 19. Mr. Fout referred himself for counseling in 2011 after being detected by police.

Other relevant risk factors:

PSI suggests: deviant sexual interests, sexual preoccupation, negative peer associates (chatting online with others), poor management of negative mood, possible early onset of sexual offending (investigated but not charged as juvenile) and possible multiple paraphilic interests (incapacitating victims, children).

Mr. Fout's risk for reoffending appears to be in the moderate range. His risk issues appear to be a bit higher than most inmates in the SOTP-NR, but perhaps a bit lower than inmates in the SOTP-RES. A decision on appropriate treatment level was not made because Mr. Fout is legally blind and neither program has treatment materials in large print or other accommodations for individuals with severe visual impairments.

Completed by Caperton, Jennifer PhD, LSOTP on 04/17/2014 15:41

**Bureau of Prisons
Psychology Services
Sexual Abuse Intervention**

****SENSITIVE BUT UNCLASSIFIED****

Inmate Name: FOUT, STEVEN MARSHALL		Reg #: 45595-074
Date of Birth: 08/23/1989	Sex: M Facility: ENG	Unit Team: EAST
Date: 08/18/2015 15:08	Provider: Bolz, Gary PsyD	

Comments

This psychologist was informed by e-mail on Monday, August 17, 2015, at approximately 8:50 a.m., that inmate Fout had alleged sexual harassment by inmate Martin. The e-mail had attached OIG documents related to the OIG Initiated Complaint #2015-009555--the method by which Mr. Fout alleged the sexual harassment. Mr. Fout was seen by this psychologist for related clinical intervention within 24 hours of my receiving the notification, i.e. at 0730 Tuesday, August 18, 2015. The intervention was conducted from the standpoint that Mr. Fout had accurately reported his experience, notwithstanding any investigation findings.

The OIG investigations complaint form, OIG NO.: DN-703-2015-009555-X, quotes inmate Fout as having written, "I am getting sexually harassed by [identified inmate] my Bunkie."

He clarified in his complaint that the identified inmate, who Mr. Fout said knows he is gay, frequently asks Mr. Fout (when there is no one around) to show him his buttocks. Mr. Fout also alleged that the identified inmate compliments his looks and asks him to sit on his lap and "give [him] a little rub." Mr. Fout said these verbalizations by this inmate persist, despite his insisting they stop.

Mr. Fout reported during this Sexual Abuse Intervention session that our Special Investigative Service has determined his allegation to be unfounded, as it is "just a he-said, he-said" thing. When asked how his situation is currently Mr. Fout, who resides in the lower east housing unit, indicated the identified inmate was moved to the upper east housing unit, and he (Mr. Fout) is no longer being harassed.

Nevertheless, Mr. Fout reported he is still a bit concerned the identified inmate will try to pressure him again. This psychologist advised Mr. Fout to report any such incident. We then discussed related coping strategy. Mr. Fout was invited to talk further about his experience of the alleged harassment and his concern regarding the future. He declined to do so.

A:

It is not known to this psychologist whether inmate Fout's allegations of sexual harassment are based on truth, but for the purposes of treatment they have been/will be taken as such. At present, Mr. Fout exhibits no apparent sadness, nervousness or other visible sign of traumatization. Mr. Fout and I already meet every calendar month due to his elevated mental health care level (CARE2-MH). Although Mr. Fout does not request or appear to need treatment related to the sexual harassment he reported, he might wish to address the subject in the future. He was invited to do so any time he feels it would be helpful--even between sessions.

P:

No follow-up session related to the alleged sexual harassment appears to be warranted; neither is it requested. We will meet again within the next calendar month for a CARE2-MH session.

Completed by Bolz, Gary PsyD on 08/19/2015 10:46

TRULINCS 45595074 - FOUT, STEVEN MARSHALL - Unit: ENG-E-L

FROM: 45595074

TO: Health Services

SUBJECT: ***Request to Staff*** FOUT, STEVEN, Reg# 45595074, ENG-E-L

DATE: 09/12/2015 04:54:32 PM

To: Doctor

Inmate Work Assignment: No Duty

I would like to add that the doctors here also add reports that are foles and that are not right the call out the placed me on august 10th was not on the call out and did not have a called on the intercom also they say this to save there butts from a write up and to save them from getting in to trouble i was seen on august 7th and i see Krows and he said i was faking with out doing any check up on me i have not been check on since and i do a month check up on the streets i was told i would get the same care as i would on the streets to i am not on any meds they took them anyway from me and i need to be place on meds for thing i have listed for
-----FOUT, STEVEN MARSHALL on 9/12/2015 10:54 AM wrote:

>

I have reported more then five times about my Problems I have alot so came up to sick call more then Five time complaning about my problems. But I have Been unsusaassful of getting any thing or any help I have been told they are nothing wrong with me and I am faking. But I am not and the doctor don't wont ot take his time to see me and do a full evoul on me. I have Migrains Well what I call Migrains I have painful presher and feels like banging in my head and it is to do with a 12mm Brain toumer on the right side of my head on my opptic nurve and a 8 mm bain toumer on the left side on my brain i have had this since i was nine years old and it was canser at one time chemo could not get rid or all the the canser and just stoped it from growning and put it in remission the toumer had made me blind amost about 80% blind I have asked if they could not treet me well to ship me to a place that can and that was denied and was told they is nothing wrong with me i have a care livel 3 problem and they got me at a care level 2 and they run this place like a 1 it seam like i have not been able to get any help i was taking off my meds at Seagoville Texas for no resson they said i was faking the problems when the psych meds i was on was both for psy:ch and medical both but tehy took me off when i got ot Littleton FCI i got tooking off my Gabapinton and put on Boulproic assid and that had mad me have woseing mood change worsing in depression bad dreams and feel weired and when i reported it Dr Krows said i was faking it cosue that meds was spouse to fix and ehlp tht problem i infrom them alot of meds can couner effect on some people depinds on he body i was told that i did not know what i was talking about that i am not a doctor i have been in and out of the hospital since i was nine year old i have alot of prolbems here and i have tried to report them and i get pushed away or push down the list and not dil with i have did cop out and talk in person but it dont work i need to be in a place tht is in a care level 3 and i can get the treetment that i can get Littleton is training place and dont realy care about the inmates they are not helping them like they need to and when i have asked to be tranfered to a place that can help me they laught in my face this is a request for help i need psychology and medical help and i ant getting it i have PTSD Depression and otisiam ADHD and behavior problems I got Brain toumer and migrains and 80% blind MRI is need everyyear 2 a year and blood work for 3 times a year i need help and watched over my toumer and i an not getting it what do i need to do to get the help i need thanks for you time
steven fout
45595074

**Bureau of Prisons
Psychology Services
Intake Screening**

****SENSITIVE BUT UNCLASSIFIED****

Inmate Name: FOUT, STEVEN MARSHALL	Reg #: 45595-074
Date of Birth: 08/23/1989 Sex: M Facility: SEA	Unit Team: B
Date: 04/08/2014 13:58 Provider: Caperton, Jennifer PhD/SOMP Coord	

Limits of Confidentiality

Limits of confidentiality were reviewed with inmate FOUT. Because he is legally blind, the limits were read to him, as were the items on the PSIQ. He expressed an understanding of the limits of confidentiality and consented to be interviewed accordingly.

Data Source(s)

The following data sources were reviewed in conjunction with this intake screening: Self-Report, PSR, SENTRY, Staff Observation.

SENTRY noted: "nurothyrotosis [sic] (mind of 12yr old)." There is no info in the PSI regarding this condition, and no evidence of severely impaired intellectual functioning.

Mental Health History and Current Symptoms

A history of mental health issues was noted: Bipolar Disorder, Schizophrenia / Psychotic Disorder, Anxiety Disorder, Neurocognitive Disorder.

In the interview, Mr. Fout reported a number of previous diagnoses: ADHD, Bipolar disorder, Paranoid schizophrenia, and PTSD. A review of the PSI indicated he received treatment during childhood after being sexually assaulted by his step-father. A nurse-practitioner diagnosed him with depression, PTSD, bipolar symptoms, and anxiety.

All other mental health information in the PSI describes problems he experienced with deviant sexual urges. He self-referred for treatment and was diagnosed with dysthymia, and avoidant personality disorder as a rule-out. No diagnosis regarding paraphilic disorders is mentioned in the PSI.

When asked about current symptoms, Mr. Fout reported only one symptom for each prior diagnosis. For ADHD, he stated, "I can't concentrate." He was observed to be attentive throughout the clinical interview and sat in a calm manner with no observed fidgeting or psychomotor agitation. When asked about PTSD, he referred to his experience of childhood sexual assault and said his symptoms were, "I have flashbacks." He said, "I have mood swings. One day I'm happy and outgoing, the next day I'm upset" as a symptom of bipolar disorder. He denied episodes of mania or hypomania. When asked about paranoid schizophrenia, he replied, "If I'm off my meds, I see and hear things others don't. I hear laughter, and squealing, but it's muffled."

Mr. Fout also has a tumor on his right optic nerve that leaves him legally blind. He stated the tumor did not infiltrate the brain tissue and he did not present with any significant neuropsychological symptoms.

He is currently prescribed Risperidone, Cogentin, Gabapentin, and Effexor. His observed mood was euthymic with affect neutral but not flat or blunted. There were no significant symptoms of psychological problems; however, at this time it is not clear if this is because he does not meet the criteria for mental health diagnoses or if the current medication is affecting his presentation.

A history of prior mental health treatment was noted: Outpatient Counseling/Psychotherapy, Psychotropic Medications.

As noted, Mr. Fout received outpatient treatment from a nurse-practitioner when he was an adolescent. He later attended 2 treatment sessions to address problems after witnessing another child be sexually assaulted and to talk about problems with being bullied at school.

In adulthood, he attended monthly treatment from July 2011 to December 2012, after self-referring for treatment after "he was caught but not charged with talking in a sexual manner to a minor."

As noted, he is currently prescribed psychotropic medication.

No current mental health symptoms were noted.

No suicidal ideation, attempts, or self-harm were noted.

Substance Abuse

No history of substance abuse was noted.

No history of substance abuse treatment was noted.

Sex Offenses

Sexual offense conviction(s) were noted: Child Pornography Offense.



Federal Bureau of Prisons Psychology Data System

Date-Title: 03-31-2014 - Risk of Sexual Victimization

Reg Number-Name: 45595-074 - FOUT, STEVEN M.

Author: LINDSAY R. AVRITT, Psy.D., STAFF PSYCH

Institution: OKL - OKLAHOMA CITY FTC

During the social screening process, the social screener utilized the PREA Intake Objective Screening Instrument (per PS5324.11) for inmate FOUT. Based on the documentation available to the R/D Social Screener at the time of this screening and inmate FOUT's self-report, he was identified as:

- (x) Having a history of prior sexual victimization in the community
- () Having a history of prior sexual victimization while incarcerated
- () Being at risk for sexual victimization based on other factors identified during Intake Screening in R/D

As required by PS5324.09, Sexually Abusive Behavior Prevention and Intervention, inmate FOUT was seen by Psychology on today's date after being identified to Psychology as meeting the criteria for contact. Inmate FOUT indicated he had no mental health concerns or concerns for his safety at this time. He also denied being the victim of sexual victimization while incarcerated.

No follow-up is warranted at this time. The inmate was encouraged to contact Psychology Services as needed.

SENSITIVE BUT UNCLASSIFIED

Inmate Name:	FOUT, STEVEN MARSHALL	Reg #:	45595-074
Date of Birth:	08/23/1989	Sex:	M
		Facility:	SEA
Date:	04/08/2014 13:58	Unit Team:	B
		Provider:	Caperton, Jennifer PhD/SOMP Coord

The PSI indicated Mr. Fout was in possession of over 600 images and 104 video files depicting the sexual abuse of children from infancy through adolescence. The PSI is not clear on whether or not the images and videos were predominately of one gender or both; however, the only images described involved male victims of sexual abuse.

In addition, information from the US Attorney's Office indicated Mr. Fout's cousin told authorities that Mr. Fout sexually assaulted him when the boy was 8 and Mr. Fout was 19 years old. The cousin reported he spent the night at Mr. Fout's home and awoke to find his penis in Mr. Fout's mouth. The PSI notes this was an allegation, and that charges had not been filed.

The PSI also indicated Mr. Fout's step-father was investigated after Mr. Fout was accused of sexually abusing a 5-year-old boy. In the investigation of Mr. Fout when he was a child (the age is not stated), investigators determined the step-father had shown Mr. Fout pornography. The step-father was later convicted and is currently in prison. There is no other information in the PSI regarding Mr. Fout's alleged assault of the 5-year-old boy.

No history of sexual predation in a correctional setting was noted.

Relevant Psychosocial History

Noteworthy psychosocial issues: Marital/Family History, Educational History, Employment History.

Mr. Fout is single, never married, with no history of living with a romantic partner and no known children.

The PSI indicated he completed high school with a special education diploma, based on his visual impairment as well as receiving resource classes in math and reading.

He has no employee history because of his eyesight and other health problems. The PSI indicated he received \$710 in disability per month. Upon interview today, Mr. Fout stated he was not on disability and instead was financially supported by his mother.

Adjustment to Incarceration

Adjustment to incarceration concerns were identified: First Incarceration, Lengthy Sentence.

He is currently sentenced to 151 months of incarceration with 30 years of supervised release. This is his only incarceration.

He reported current problems with tension and worry relating to adjustment to a new place. Also, Mr. Fout is legally blind, and this may contribute to some adjustment issues.

However, his presentation today suggested his psychological adjustment concerns are within normal limits.

Mr. Fout was also screened for risk of sexual abusiveness or victimization in a correctional setting. He reports a history of sexual abuse victimization in the community and is currently serving a sentence for a sexual offense. However, he denied history of victimization or predation while in custody. Though he has a visual impairment, he does not appear to be a likely victim of sexual assault. He also denied a history of engaging violence.

Findings

Care Level: CARE2-MH

Mr. Fout does not present with current symptoms of mental illness. He does not have a history of suicidal or self-harming behavior. However, he has prior diagnoses for serious mood and psychotic disorders. He is currently prescribed an anti-psychotic medication. Therefore, at this time he meets criteria for Care Level 2-Mental Health based on current medications.

Recommendations

The following psychological services are recommended: Sex Offender Treatment Program, Referral for Psychiatric Services, Follow-Up Appointment.

Mr. Fout was interested in sex offender treatment; however, because of his blindness, he is unqualified for treatment.

He will be referred to meet with the tele-psychiatrist to review his current psychotropic medications and determine suitability.

He will be scheduled for follow-up in Psychology Services next month based both on his status as Care Level 2 and to assess his adjustment to incarceration.

**Bureau of Prisons
Psychology Services
SOMP Intake Screening**

SENSITIVE BUT UNCLASSIFIED

Inmate Name:	FOUT, STEVEN MARSHALL	Reg #:	45595-074
Date of Birth:	08/23/1989	Sex:	M
		Facility:	SEA
Date:	04/08/2014 14:07	Provider:	Caperton, Jennifer PhD, LSOTP
		Unit Team:	B

Instant Offense

Sex Offense

Found in possession of 600 images and 104 videos depicting the sexual abuse of children. Chat logs included fantasies of drugging and raping children, and he reported fantasies of molesting newborns.

Prior sex offense history, non-conviction:

He was investigated as a juvenile for sexually abusing a 5 year old boy. No information regarding outcome of investigation. Caught but not charged in 2011 for talking sexually to a minor.

Screening Interview:

Not Qualified (Indicate Reason)

Need for Treatment

Mr. Fout was introduced and oriented to FCI Seagoville's Sex Offender Management Program (SOMP), to include discussion of the civil commitment process.

SOMP program components were also discussed including: mandatory evaluations (e.g., risk assessments), voluntary sex offender treatment services, and use of correctional management plans as indicated for offenders who engage in risk-relevant behavior while incarcerated. He was given the opportunity to ask questions. He was introduced to SOMP program staff, and made aware of our open door policy for both routine and urgent issues. He was provided with a SOMP Screening Interview and was offered information about non-residential SOTP orientation and treatment.

Interest in Treatment

Regarding SOTP-NR, Mr. Fout stated he was interested in treatment. However, he is legally blind. He was not able to read the print on the PSIQ to complete the form. He was coded as unqualified for treatment because the program does not have materials available in large print or other means of accommodating a participant with severe visual impairment.

Completed by Caperton, Jennifer PhD, LSOTP on 04/17/2014 15:27

SWEETWATER HOSPITAL ASSOCIATION
304 WRIGHT STREET
SWEETWATER, TENNESSEE 37874
865-213-8200

RADIOLOGY REPORT

NAME: FOUT, STEVEN MARSHALL
DOB: 08/23/1989
AGE: 22 SEX: M
PT TYPE: 2
ROOM:
ADMIT: 04/04/2012
DISCH: 04/04/2012

STUDY DATE: 04/04/2012 08:36
MR #: 31457
ACCT #: 10662195
FILM #: 35582
ORDER PHY: KEN KOZAWA, M.D.
ADMIT PHY:
REFER PHY:

FCI ENGLEWOOD
REG #

#45595-071

ORDER ID: 7222108

STUDY: MRI BRAIN WWO CONT

CPT CODE: 70553

REASON FOR PROCEDURE: NEUROFIBROMATOSIS

EXAM(S):

MRI of the brain with without contrast 04/04/2012

Multiplanar MR images of the brain were obtained prior to and following injection gadolinium contrast. Comparison 03/11/2010 and 03/29/2011

Again seen is enlargement of the optic nerves at the optic chiasm up to 12 mm in craniocaudal thickness at the chiasm unchanged from previous exam. These findings are consistent with optic nerve malleolus. There is no abnormal enhancement of the optic chiasm. The optic nerves taper to a normal sized in the orbits. There is enlargement of the basal ganglia right greater than left with a subtle increased enhancement in the area 21-24 mm stable compared to the previous exams consistent with hamartomas. No other abnormalities seen. There is minimal mucosal thickening in the left maxillary sinus.

IMPRESSION(S):

- 1) Stable appearance of bilateral optic nerve glial most with enlargement the optic nerves and optic chiasm but to a 12 mm in thickness with no abnormal enhancement.
- 2) Stable appearance of bilateral basal ganglia hamartomas with subtle enhancement 21 24 mm right greater than left

*** THIS IS AN ELECTRONICALLY VERIFIED REPORT ***

4/4/2012 11:44 AM: Lynda Rogers, M.D.

Lynda Rogers, M.D.

D: 04/04/2012/11:44/LR

T: 04/04/2012/11:44/lkr

Job #: 33016

Pt Name: Fout, Steven Marshall

MR #: 31457

Acct #: 10662195

COPY

Page 1 of 1

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. STEVEN FOUT, Defendant-Appellant.
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
614 Fed. Appx. 335; 2015 U.S. App. LEXIS 9977; 2015 FED App. 0438N (6th Cir.)
15a0438n.06Case No. 14-5230
June 10, 2015, Filed

Notice:

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION. SIXTH CIRCUIT RULE 28 LIMITS CITATION TO SPECIFIC SITUATIONS. PLEASE SEE RULE 28 BEFORE CITING IN A PROCEEDING IN A COURT IN THE SIXTH CIRCUIT. IF CITED, A COPY MUST BE SERVED ON OTHER PARTIES AND THE COURT. THIS NOTICE IS TO BE PROMINENTLY DISPLAYED IF THIS DECISION IS REPRODUCED.

Editorial Information: Prior History

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE. *United States v. Fout*, 2013 U.S. Dist. LEXIS 31575 (E.D. Tenn., Mar. 4, 2013)

Disposition:

AFFIRMED.

Counsel

For UNITED STATES OF AMERICA, Plaintiff - Appellee: Matthew T. Morris, Assistant U.S. Attorney, Office of the U.S. Attorney, Knoxville, TN.

For **STEVEN MARSHALL FOUT**, Defendant - Appellant: Laura E. Davis, Assistant Federal Public Defender, Federal Defender Services, Knoxville, TN.

Judges: BEFORE: SILER, BATCHELDER, and ROGERS, Circuit Judges.

CASE SUMMARY On guilty plea to possession and distribution of child pornography, in violation of 18 U.S.C.S. § 2252A, 151-month prison sentence was proper because any error in determination as to defendant's level of intellectual functioning was harmless and defendant's argument that he faced increased risk of injury or abuse in prison was addressed by court.

OVERVIEW: HOLDINGS: [1]-The district court's disclaimer that defendant's level of intellectual functioning did not alter its analysis as to length of incarceration, when taken together with the fact that defendant received a bottom-of-the-range sentence for possession and distribution of child pornography in violation of 18 U.S.C.S. § 2252A, conclusively demonstrated that any alleged error did not cause defendant to receive a more severe sentence. Any error in determination as to defendant's level of intellectual functioning was harmless; [2]-Defendant's argument that the district court's assessment of his functioning was based on facts not in evidence was simply a disagreement with the relative weight the court gave to defendant's formal diagnosis; [3]-The district court properly ruled on the blind and frail defendant's argument that he faced an increased risk of injury or abuse in prison.

OUTCOME: Sentence affirmed.

A06CASES

1

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Examination

General Examination:

GENERAL APPEARANCE: alert, well hydrated, in no distress. PERIPHERAL PULSES: 2+ carotid.

Neurological:

CORTICAL FUNCTIONS: alert and oriented X 3, speech fluent. CRANIAL NERVES: complete blindness on the right side. Finger counting at 18 inches on the left side. Fundus examination reveals disc pallor. Bilateral No facial or tongue weakness is noted. MOTOR STRENGTH: bulk is normal, function is normal, strength is normal in all limbs, there are no abnormal movements, tone normal. SENSORY: normal. REFLEXES: bilaterally symmetrical, babinski negative. PLANTARS: downgoing bilaterally. CEREBELLAR SIGNS: absent. COORDINATION: no truncal ataxia. GAIT AND STATION: Gait abnormalities related to patient's blindness. SPEECH: normal. INVOLUNTARY MOVEMENTS: no tremors seen.

Physical Examination

Skin lesions are noted consistent with a neurofibromatosis. Caf au lait spots present in the right lower cervical area.

Assessments

1. Optic glioma - C72.30 (Primary)
2. Neurofibromatosis - Q85.00

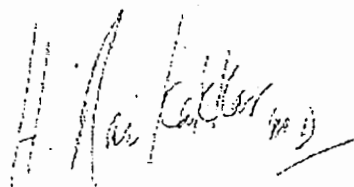
Treatment

1. Optic glioma

Notes: Side-to-side comparison with prior MRI scan is planned. Findings will be discussed with the radiologist. Based on present review of MRI scan dated 9/21/2015, stability of the lesion will be assessed. It is doubtful if patient needs further intervention at this time. Patient should be kept under surveillance for any new tumors.

Follow Up

prn



FCr
45595.074
Englewood

Electronically signed by Hakumat Kakkar on 11/17/2015 at 02:33 PM MST

Sign off status: Completed

Neurology Of The West
1001 W Mineral Ave
Littleton CO 80120
Tel: 303-750-8988
Fax: 303-476-4445

Patient: Fout, Steven
DOB: 08/23/1989

Provider: Kakkar, Hakumat Rai,
Date: 11/13/2015

Note generated by eClinicalWorks EMR/PM Software (www.eClinicalWorks.com)



COLORADO RETINA ASSOCIATES

Consulting Physicians & Surgeons for Vitreo-Retinal Disorders

8101 E. Lowry Blvd., Suite 210
Denver, CO 80230
303-261-1600

FCR

#45595-074
Englewood

Date: September 10, 2015

RE: Steven Fout

DOB: 08/23/1989

AGE: 26 years

Thomas Kraus MD
9595 W Quincy Ave
Littleton, CO 80123-

Dear Thomas,

Thank you for the opportunity to see Steven Fout.

Visual Acuity

Va OD		Distance			Near		
Dva cc	mod	Dva sc	mod	Dva ph	mod	Dva	
						Nva cc	mod
						Nva sc	mod
						Nva	other
NLP							

Va OS		Distance			Near		
Dva cc	mod	Dva sc	mod	Dva ph	mod	Dva	
						Nva cc	mod
						Nva	mod
						sc	other
CF1 NI							

IOP SUMMARY

Date	Time	OD	OS	Method	Measured by	Dilated	Comment
09/10/2015	1:00 PM	13	15	Tonopen w/Proparacai	Christopher Martinez		

My discussion with the patient and recommendations are:

#	Detail Type	Description
1.	Assessment	Optic nerve atrophy (377.10).
	Impression	h/o ONH tumor OU per pt dx appx 15 yrs ago s/p Chemo, NLP Optic nerve atrophy - no visible intra-ocular tumor Neurofibromatosis type 1
	Plan	Discussed findings with patient in detail. BSCAN today shows no visible intra-ocular tumor OU. Recommend MRI for possible tumor behind optic nerve OU. Patient is released to primary care. Return here as needed.

Fout, Steven 000000129723 08/23/1989 09/10/2015 12:50 PM Page: 1/2

HAF21 540*23 * SENTENCE MONITORING * 11-10-2016
PAGE 002 OF 002 * COMPUTATION DATA * 12:14:43
AS OF 11-10-2016

REGNO...: 45595-074 NAME: FOUT, STEVEN MARSHALL

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 07-06-2016 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 04-01-2014 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 02-20-2014
TOTAL TERM IN EFFECT.....: 151 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 12 YEARS 7 MONTHS
EARLIEST DATE OF OFFENSE.....: 10-01-2009

JAIL CREDIT.....: FROM DATE THRU DATE
12-19-2012 02-19-2014

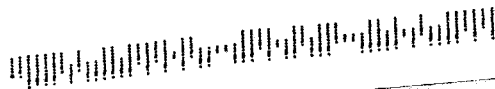
TOTAL PRIOR CREDIT TIME.....: 428
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 509
TOTAL GCT EARNED.....: 117
STATUTORY RELEASE DATE PROJECTED: 02-25-2024
EXPIRATION FULL TERM DATE.....: 07-18-2025
TIME SERVED.....: 3 YEARS 10 MONTHS 24 DAYS
PERCENTAGE OF FULL TERM SERVED...: 30.9

PROJECTED SATISFACTION DATE.....: 02-25-2024
PROJECTED SATISFACTION METHOD....: GCT REL

REMARKS.....: 04-28-16 GCT UPDT B/CMS.6-2-16 ADMIN REM RESTORED DIS B/PLG.
7-6-16 GCT UPDT B/PLG.

G0000 TRANSACTION SUCCESSFULLY COMPLETED

Ms. Janice Jefferies
157 Limestone Dr.
Sweetwater, TN 37374



1000



37902

U.S. POSTAGE
PAID
SWEETWATER, TN
37874
FEB 08, 17
AMOUNT
\$2.03
R2305M143586-10

RECEIVED

FEB 08 2017

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

Honorable Judge Thomas W. Phillips,
Sixth District of Eastern Tennessee
800 Market St. Suite 130
Knoxville, TN 37902

INSPECTED